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10 **UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

11 In re:

12 USA COMMERCIAL MORTGAGE  
 COMPANY,

13 USA CAPITAL REALTY ADVISORS,  
 LLC,

14 USA CAPITAL DIVERSIFIED TRUST  
 DEED FUND, LLC,

15 USA CAPITAL FIRST TRUST DEED  
 FUND, LLC,

16 USA SECURITIES, LLC, Debtors.

17 **Affects:**

18  All Debtors  
 USA Commercial Mortgage Company  
 USA Capital Realty Advisors, LLC  
 USA Capital Diversified Trust Deed Fund, LLC  
 USA Capital First Trust Deed Fund, LLC  
 USA Securities, LLC

19 Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726-LBR  
 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR  
 Case No. BK-S-06-10729-LBR

20 **CHAPTER 11**

21 Jointly Administered Under Case No.  
 BK-S-06-10725 LBR

22 **MOTION FOR ORDER REQUIRING  
 ASHBY DEVELOPMENT  
 COMPANY, INC. TO PRODUCE  
 ONE OR MORE  
 REPRESENTATIVES FOR  
 EXAMINATION PURSUANT TO  
 FEDERAL RULE OF  
 BANKRUPTCY PROCEDURE 2004**

23 [No hearing required]

24 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating  
 Trust (the “Trust” or “Movant”) hereby moves this Court for an order requiring Ashby  
 Development Company, Inc. (“Ashby Development”) to produce one or more  
 representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy

1 Procedure 9016, to appear for examination at the office of Development Specialists, Inc.,  
2 333 S. Grand Avenue, Suite 4070, Los Angeles, California 90071-1544, on a business day  
3 no earlier than ten (10) business days after the filing of this Motion and no later than  
4 November 15, 2007, or at such other mutually agreeable location, date, and time, and  
5 continuing from day to day thereafter until completed.

6  
7 This Motion is further explained in the following Memorandum.  
8

9  
10 **Memorandum**

11 The Movant seeks information concerning various transactions between Ashby  
12 Development and USACM, the other debtors in the above-captioned cases (together with  
13 USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise  
14 related entities. The Movant seeks this information to assist in the collection of the assets  
15 and the investigation of the liabilities of the Debtors.

16 The requested discovery from Ashby Development is well within the scope of  
17 examination permitted under Bankruptcy Rule 2004, which includes:

18 [t]he acts, conduct, or property or . . . the liabilities and financial condition  
19 of the debtor, or . . . any matter which may affect the administration of the  
20 debtor’s estate, or to the debtor’s right to a discharge. In a . . .  
21 reorganization case under chapter 11 of the Code, . . . the examination may  
22 also relate to the operation of any business and the desirability of its  
continuance, the source of any money or property acquired or to be acquired  
by the debtor for purposes of consummating a plan and the consideration  
given or offered therefore, and any other matter relevant to the case or to the  
formulation of a plan.  
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<sup>1</sup> FED.R. BANKR. P. 2004(b).

## **Conclusion**

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: September 12, 2007.

**DIAMOND MCCARTHY TAYLOR  
FINLEY & LEE LLP**

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